

Remarks

The Office Action mailed January 23, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-3 and 5-21 are now pending in this application. Claims 1-20 stand rejected. Claim 4 has been canceled.

With regard to Claim 21, it appears that the Examiner overlooked original Claim 21 during examination of this application. Applicant respectfully requests consideration of Claim 21.

The rejection of Claims 1, 4, and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,916,447 to Thompson (hereinafter referred to as "Thompson") is respectfully traversed.

Thompson describes a roll (10) of sheets (12). Each sheet (12) forms a protective covering and includes at least one layer of synthetic polymeric microfibers. More specifically, in one embodiment, sheet (12) includes a first layer of thermoplastic microfibers (16) bonded to a second layer of cellulosic fibers (18). Individual sheets (12) are separated from roll (10) along a perforation line (20) extending from a first edge to a second edge of roll (10). Individual sheets (12) may be used as a dinner napkin, a bib, a furniture cover, or the like. Notably, Thompson does not describe nor suggest a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that the first edge portions overlap and are joined together and the second edge portions overlap and are joined together to form an open end for receiving at least a portion of the chair.

Claim 1 recites a disposable cover for a chair including "a substantially rectangular cut piece of paper comprising a first edge and a second edge opposite said first edge, said paper folded mid way across its longitudinal axis such that a first portion of said first edge overlaps a second portion of said first edge and a first portion of said second edge overlaps a second portion of said second edge, said first edge portions joined together and said second

edge portions joined together forming an open end for receiving at least a portion of the chair.”

Thompson does not describe nor suggest a disposable cover for a chair as recited in Claim 1. More specifically, Thompson does not describe nor suggest a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that a first portion of the first edge overlaps a second portion of the first edge and a first portion of the second edge overlaps a second portion of the second edge, and the first edge portions are joined together and the second edge portions are joined together to form an open end for receiving at least a portion of the chair. Rather, in contrast to the present invention, Thompson describes individual sheets of a protective covering separated from a roll of material along a line of perforation, wherein the roll of material includes a layer of thermoplastic microfibers bonded to a layer of cellulosic fibers.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Thompson.

Claim 4 has been canceled. Claim 8 depends from independent Claim 1. When the recitations of Claim 8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 8 likewise is patentable over Thompson.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1, 4, and 8 be withdrawn.

The rejection of Claims 1-3, 8, 10, 12, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,419,945 to Lopez (hereinafter referred to as “Lopez”) is respectfully traversed.

Lopez describes a creeper (21) for mechanics (10) for servicing a vehicle (12) spaced from a floor (13). Creeper (21) is designed to catch vehicle drippings. Creeper (21) includes a sheet of cellular material (16). In one embodiment, the sheet of cellular material (16) is corrugated cardboard. Sheet (16) has a folding score line (28) thereacross to facilitate folding

sheet (16) in half. Notably, Lopez does not describe nor suggest a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that the first edge portions overlap and are joined together and the second edge portions overlap and are joined together to form an open end for receiving at least a portion of the chair.

Claim 1 recites a disposable cover for a chair including “a substantially rectangular cut piece of paper comprising a first edge and a second edge opposite said first edge, said paper folded mid way across its longitudinal axis such that a first portion of said first edge overlaps a second portion of said first edge and a first portion of said second edge overlaps a second portion of said second edge, said first edge portions joined together and said second edge portions joined together forming an open end for receiving at least a portion of the chair.”

Lopez does not describe nor suggest a disposable cover for a chair as recited in Claim 1. More specifically, Lopez does not describe nor suggest a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that a first portion of the first edge overlaps a second portion of the first edge and a first portion of the second edge overlaps a second portion of the second edge, and the first edge portions are joined together and the second edge portions are joined together to form an open end for receiving at least a portion of the chair. Rather, in contrast to the present invention, Lopez merely describes a creeper designed to catch vehicle drippings, wherein the creeper includes a sheet of corrugated cardboard including a folding score line thereacross to facilitate folding the sheet in half.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Lopez.

Claims 2-3, 8, 10, 12, 13, and 14 depend from independent Claim 1. When the recitations of Claims 2-3, 8, 10, 12, 13, and 14 are considered in combination with the

recitations of Claim 1, Applicant submits that dependent Claims 2-3, 8, 10, 12, 13, and 14 likewise are patentable over Lopez.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-3, 8, 10, 12, 13, and 14 be withdrawn.

The rejection of Claims 5-9 and 15-20 under 35 U.S.C. § 103 as being unpatentable over Thompson in view of U.S. Patent No. 4,676,376 to Keiswetter (hereinafter referred to as “Keiswetter”) is respectfully traversed.

Thompson is described above. Keiswetter describes a seat cover (10) fabricated from a thin strip of plastic film formed of at least two co-extruded plastic resins. Seat cover (10) includes a pocket (20) formed at an upper end (16) of seat cover (10) and a lower portion (22) extending therefrom. The pocket (20) includes a retainer portion (24) of film that overlaps upper end (16) of seat cover (10). Retainer portion (24) is folded along the upper edge of seat cover (10) and heat-sealed along side edges (26) of retainer portion (24). Notably, Keiswetter does not describe nor suggest a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that the first edge portions overlap and are joined together and the second edge portions overlap and are joined together to form an open end for receiving at least a portion of the chair.

Applicant respectfully submits that the Section 103 rejection of Claims 5-9 and 15-20 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Thompson nor Keiswetter, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner’s assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Thompson and Keiswetter because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicant’s own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, some suggestion to combine such references and a reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art to render the claimed invention obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Because there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection be withdrawn.

Moreover, and to the extent understood, neither Thompson nor Keiswetter, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 1 recites a disposable cover for a chair including "a substantially rectangular cut piece of paper comprising a first edge and a second edge opposite said first edge, said paper folded mid way across its longitudinal axis such that a first portion of said first edge overlaps a second portion of said first edge and a first portion of said second edge overlaps a second portion of said second edge, said first edge portions joined together and said second edge portions joined together forming an open end for receiving at least a portion of the chair."

Neither Thompson nor Keiswetter, considered alone or in combination, describes or suggests a disposable cover for a chair as recited in Claim 1. More specifically, neither Thompson nor Keiswetter, considered alone or in combination, describes or suggests a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that a first portion of the first edge overlaps a second portion of the first edge and a first portion of the second edge overlaps a second portion of the second edge, and the first edge portions are joined together and the second edge portions are joined together to form an open end for receiving at least a portion of the chair. Rather, in contrast to the present invention, Thompson describes individual sheets of a protective covering separated from a roll of material along a line of perforation, wherein the roll of material includes a first layer of thermoplastic microfibers bonded to a second layer of cellulosic fibers, and Keiswetter describes a seat cover fabricated from a thin strip of plastic film that includes a pocket formed at an upper end of the seat cover.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Thompson in view of Keiswetter.

Claims 5-9 depend from independent Claim 1. When the recitations of Claims 5-9 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 5-9 likewise are patentable over Thompson in view of Keiswetter.

Claim 15 recites a method for forming a disposable cover for a chair including “cutting a substantially rectangular piece of paper sized to cover the chair; folding the paper approximately in half across its longitudinal axis; joining the sides of the paper which extend from the fold, forming an open end and a closed end opposite the open end; placing the open end of the disposable cover over a top of a chair; and sliding the disposable cover along the chair until the open end is positioned substantially around legs of the chair.”

Neither Thompson nor Keiswetter, considered alone or in combination, describes or suggests a method for forming a disposable cover for a chair as recited in Claim 15. More specifically, neither Thompson nor Keiswetter, considered alone or in combination, describes

or suggests a method for forming a disposable cover for a chair, wherein a substantially rectangular piece of paper is sized to cover the chair such that the paper is folded approximately in half across its longitudinal axis, and the sides of the paper which extend from the fold are joined to form an open end and a closed end opposite the open end. Rather, in contrast to the present invention, Thompson describes individual sheets of a protective covering separated from a roll of material along a line of perforation, wherein the roll of material is fabricated from a first layer of thermoplastic microfibers bonded to a second layer of cellulosic fibers, and Keiswetter describes a seat cover fabricated from a thin strip of plastic film that includes a pocket formed at an upper end of the seat cover.

Accordingly, for at least the reasons set forth above, Claim 15 is submitted to be patentable over Thompson in view of Keiswetter.

Claims 16-21 depend from independent Claim 15. When the recitations of Claims 16-21 are considered in combination with the recitations of Claim 15, Applicant submits that dependent Claims 16-21 likewise are patentable over Thompson in view of Keiswetter.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 5-9 and 15-20 be withdrawn.

The rejection of Claims 10, 11, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Thompson is respectively traversed.

Thompson is described above.

Claims 10, 11, and 13 depend from independent Claim 1. Claim 1 recites a disposable cover for a chair including “a substantially rectangular cut piece of paper comprising a first edge and a second edge opposite said first edge, said paper folded mid way across its longitudinal axis such that a first portion of said first edge overlaps a second portion of said first edge and a first portion of said second edge overlaps a second portion of said second edge, said first edge portions joined together and said second edge portions joined together forming an open end for receiving at least a portion of the chair.”

Thompson does not describe nor suggest a disposable cover for a chair as recited in Claim 1. More specifically, Thompson does not describe nor suggest a disposable cover for a chair, wherein the cover comprises a piece of paper having a first edge and an opposing second edge, and the paper is folded mid way across its longitudinal axis such that a first portion of the first edge overlaps a second portion of the first edge and a first portion of the second edge overlaps a second portion of the second edge, and the first edge portions are joined together and the second edge portions are joined together to form an open end for receiving at least a portion of the chair. Rather, in contrast to the present invention, Thompson describes individual sheets of a protective covering separated from a roll of material along a line of perforation, wherein the roll of material includes a layer of thermoplastic microfibers bonded to a layer of cellulosic fibers.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Thompson.

Claims 10, 11, and 13 depend from independent Claim 1. When the recitations of Claims 10, 11, and 13 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 10, 11, and 13 likewise are patentable over Thompson.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 10, 11, and 13 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



Eric T. Krischke
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070